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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,205

01/21/2004

Kia Silverbrook

RRA20US

1331

24011 7590 12/04/2008
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

UHLLENHAKE, JASON S

ART UNIT

PAPER NUMBER

2853

MAIL DATE

DELIVERY MODE

12/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/760,205	Applicant(s) SILVERBROOK, KIA	
	Examiner JASON S. UHLENHAK	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/23/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended subject matter of claim 1 (line 10; “replacing the cradle with a cradle having a plurality of print engine controllers”; 8/11/2008) is not found in the specification and therefore is considered new matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong (U.S. Pat. 6,672,699) in view of Watrobski et al (U.S. Pub. 2002/0140758) and Morita et al (U.S. Pat. 6,705,715)

Jeong discloses:

- **regarding claim 1**, providing the inkjet printer as a complementary cradle and starter cartridge; the cradle has a print engine controller (101) is arranged to operate a number of cartridges having differing performance characteristics (Figure 3; Abstract; Column 2, Lines 14-26; Column 4, Line 63 – Column 5, Line 17); and electrical contacts for connection with complementary contacts on the cradle such that the print engine controller can determine the performance capabilities of the cartridge and operate the page width print head accordingly (Figure 2; Column 2, Lines 15-31; Column 4, Lines 39-49)

- **regarding claim 2**, number of cartridges capable of replacing the starter cartridge have other performance characteristics that differ from the starter cartridge, the differing performance characteristics of the cartridges includes one or more of: ink capacity; number and types of inks (Column 4, Line 63 – Column 5, Line 17)

Jeong does not disclose expressly the following:

- **regarding claim 1**, each of the cartridges having an inbuilt page width inkjet print head; facilitating replacement of the starter cartridge with another of the number of cartridges having improved performance characteristic

Watrobski et al discloses:

- **regarding claim 1**, each of the cartridges having an inbuilt page width inkjet printhead (Paragraph 0037), for the purpose of improving printing speed.

Morita discloses:

- **regarding claim 1**, facilitating replacement of the starter cartridge with another of the number of cartridges having improved performance characteristic (Column 21, Lines 51-67), for the purpose of improving print speeds.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of an inbuilt page width inkjet print head and replacing the starter cartridge with a cartridge having improved performance as taught by Watrobski and Morita into the device of Jeong, for the purpose of improving printing speed.

Claim 3 is rejected under 35 U.S.C. 103(a) as being obvious over Jeong (U.S. Pat. 6,672,699) as modified by Watrobski et al (U.S. Pub. 2002/0140758) and Morita et al (U.S. Pat. 6,705,715) as applied to claim 1 above, and further in view of Eun (U.S. Pat. 6,033,053).

Jeong as modified by Watrobski and Morita discloses all of the claimed limitations except for the following:

- **regarding claim 3**, wherein the printing speeds of the cartridges varies between 15 ppm to 60 ppm

Eon discloses:

- **regarding claim 3**, wherein the printing speeds of the cartridges varies between 15 ppm to 60 ppm (Column 4, Lines 27 – 37).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of the printing speeds of the cartridges varies between 15 ppm to 60 ppm as taught by Eon into the device of Jeong

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as modified by Watrobski and Morita, for the purpose of increasing the speed of printing.

Claims 4 is rejected under 35 U.S.C. 103(a) as being obvious over Jeong (U.S. Pat. 6,672,699) as modified by Watrobski et al (U.S. Pub. 2002/0140758) and Morita et al (U.S. Pat. 6,705,715) as applied to claim 1 above, and further in view of Trafton et al (U.S. Pat. 6,851,799).

Jeong as modified by Watrobski and Morita discloses all of the claimed limitations except for the following:

- ***regarding claim 4***, wherein the ink capacity of the cartridges varies between 150ml of ink to 300ml of ink

Trafton et al discloses:

- ***regarding claim 4***, wherein the ink capacity of the cartridges varies between 150ml of ink to 300ml of ink (Column 1, Lines 42 – 50)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of the ink capacity of the cartridges varies between 150ml of ink to 300ml of ink as taught by Trafton et al into the device of Jeong as modified by Watrobski and Morita, for the purpose of extending the life of the ink cartridge by increasing the ink capacity.

Claim 5 is rejected under 35 U.S.C. 103(a) as being obvious over Jeong (U.S. Pat. 6,672,699) as modified by Watrobski et al (U.S. Pub. 2002/0140758) and

Morita et al (U.S. Pat. 6,705,715) as applied to claim 1 above, and further in view of Silverbrook et al (U.S. Pat. 6,238,115).

Jeong as modified by Watrobski and Morita discloses all the claimed limitations above except for the following:

- ***regarding claim 5***, wherein the number and types of inks includes black, cyan, magenta, yellow, infrared and an ink fixative

Silverbrook et al ('115) discloses:

- ***regarding claim 5***, wherein the number and types of inks includes black, cyan, magenta, yellow, infrared and an ink fixative (Column 5, Lines 46 – 61)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of the types of inks include infrared and an ink fixative as taught by Silverbrook et al into the device of Jeong as modified by Watrobski and Morita, for the purpose of improving the quality of printing.

Response to Arguments

Applicant's arguments filed 8/11/2008 have been fully considered but they are not persuasive. Applicant argues that the head cartridge for monochrome printing does not itself have an improved performance characteristic over that of the cartridge it replaced. However the Examiner disagrees, Morita discloses a photographic head cartridge (color ink) which performs printing with ink of six colors and prints a photographic image in high quality and a monochrome head cartridge containing only black ink for printing a high speed image. The two cartridges are different in structure

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and high quality (photo image) vs. high speed printing, the image/text is printed at a high speed due to the monochrome head cartridge (also stated in applicants arguments; Page 5, Lines 2-3; 8/11/2008). The monochrome head cartridge of Morita is dedicated to printing black ink only, therefore it will print at a faster rate than the photographic head cartridge.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Uhlenhake whose telephone number is (571) 272-5916. The examiner can normally be reached on Monday - Friday 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JASON S UHLENHAKE/
Examiner, Art Unit 2853
November 25, 2008

/Julian D. Huffman/
Primary Examiner, Art Unit 2853